

SHORT FATAWAS

THE RULING OF
ELECTIONS AND VOTERS

SHAYKH ABU BARA'A AS-SAYF



بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Fatwa:

Question:

What is the ruling of those who are confused regarding the issue of participating in elections, by the callers to Jahannam [i.e. evil scholars], so he goes with the intention of choosing the better [or correct opinion], and that he would be sinful if he doesn't vote?

Answer:

و عليكم السلام ورحمة الله وبركاته

If the one who voted knew the reality of the presidential and parliamentary elections, and that it is a form of aid (support) to the taghut by which the taghut would come and rule without Shari'ah, or will legislate (make laws) with Allah, and he voted arguing that some scholars issued a fatwa permitting that, then he and those who issued the fatwa are apostates, disbelievers.

Allah عز وجل did not make the confusion [caused by] the people in authority and scholars of error, or the fact that the person himself thinks that he is doing a good deed or that he is aiding the Deen - an argument/excuse for committing an action of kufr and shirk with Allah.

Allah تعالى said, {[Allah] will say, "Enter among nations which had passed on before you of jinn and mankind into the Fire." Every time a nation enters, it will curse its sister until, when they have all overtaken one another therein, the last of them will say about the first of them "Our Lord, these had misled us, so give them a double punishment of the Fire. He will say, "For each is double, but you do not know."} [Al-A'raf:38]

And Allah تعالى said: {Those who were arrogant will say to those who were oppressed, "Did we avert you from guidance after it had come to you? Rather, you were criminals." Those who were oppressed will say to those who were arrogant, "Rather, [it was your] conspiracy of night and day when you were ordering us to disbelieve in Allah and attribute to Him equals." But they will [all] confide regret when they see the punishment; and We will put shackles on the necks of those who disbelieved. Will they be recompensed except for what they used to do?} [Saba':32-33]

And Allah تعالى said, {A group [of you] He guided, and a group deserved [to be in] error. Indeed, they had taken the devils as allies instead of Allah while they thought that they were guided.} [Al-A'raf:30]

And Allah تعالى said, {Say, [O Muhammad], "Shall we [believers] inform you of the greatest losers as to [their] deeds? [They are] those whose effort is lost in worldly life, while they think that they are doing well in work." Those are the ones who disbelieve in the verses of their Lord and in [their] meeting Him, so their deeds have become worthless; and We will not assign to them on the Day of Resurrection any importance.} [Al-Kahf: 103-105]

And because the hujjah of Allah continues to be established and exists among the people, and a group from this Ummah will continue in every era, firm upon the truth proclaiming it, clarifying (and

explaining) to the people the rulings of Shar'iah, regarding the masā'il/matters and establishing Allah's hujjah/proof against them, until there is no excuse left for the excuser.

It was narrated in Sahih Muslim that he said: (Harun Ibn Abdillah narrated to me, and Hajjaj Ibn Ash-Sha'ir, they said, Hajjaj Ibn Muhammad narrated to us, he said: Ibn Jurayj said: Abu Az-Zubayr informed me, that he heard Jabir Ibn Abdillah say: *"I heard the Messenger of Allah ﷺ say: "A group of my Ummah will not cease fighting for the Truth and will prevail till the Day of Resurrection".*

Had this voter sincerely requested Allah's ruling regarding the mas'alah/matter, with truthfulness, while being impartial from (the inclination) of desires, eager to learn the true Deen, (seeking) the Pleasure of Allah سبحانه وتعالى, Allah would surely guide him to the truth and the right way, and God forbid that He سبحانه وتعالى would cause him to deviate while he turned to Allah with sincerity regarding this matter.

Allah سبحانه وتعالى said, *{And those who are guided - He increases them in guidance and gives them their righteousness.}* [Muhammed:17]

It has been further narrated in the two Sahih books (Bukhari and Muslims) and in the wording of Bukhari, he said: (Umar Ibn Hafs narrated to us, he said, my father narrated to us, Al-A'mash narrated to us, I heard Abu Salih, from Abu Hurayrah رضي الله عنه saying that the Prophet ﷺ said, *"Allah the Exalted says: 'I am as my slave expects me to be, and I am with him when he remembers Me. If he remembers Me inwardly, I will remember him inwardly, and if he remembers Me in an assembly, I will remember him in a better assembly (i.e., in the assembly of angels), and if he draws near to Me a span, I draw near to him a cubit; and if he draws near to Me a cubit, I draw near to him a fathom. And if he comes to Me walking, I go to him running".* [End]

Therefore, there is no excuse for the voter, who knows the reality and essence of elections, (and votes) due to confusion caused by the apostate evil scholars, who issued fatwas permitting parliamentary and presidential elections for systems established on laws other than that of Shariah.

والله أعلى وأعلم

حفظه الله Shaykh Abu Bara'a as-Sayf

Fatwa:

Question:

Is the one who voted in ignorance because of the fatawa of evil scholars excused?

Answer:

If he was ignorant of the condition [i.e. reality of the elections] and he doesn't know, then ignorance is a hidden matter. (For example), someone saw a person go and vote; we don't know if this is because of the fatwa of an 'alim/scholar or is it because he is a secularist who supports secularism.. we do not know this, and this is what we are charged/made responsible with. We are ordered to [rule with] what is outwardly apparent and that which we see, and what we see is him going out and voting, so he is a kafir.

However, if after that Allah decreed, (for example), you argue with a person or it appeared to you from his speech and he said to you, "*My brother, so-and-so scholar gave a fatwa about this,*" then his speech is looked into. If his words indicate that he knew that there is kufr involved in the elections, but that so-and-so scholar permitted it for necessity, then he is a kafir, both he himself and the so-and-so scholar, because this is a corrupt doubt, and kufr and shirk is not permitted because of the fatwa of a scholar.

Otherwise, the mushrikeen would be excused for following their leaders and elders in acts of shirk, as Allah said, {*And they will say, "Our Lord, indeed we obeyed our masters and our dignitaries, and they led us astray from the [right] way."*} [Al-Ahzab:67]

So, the obedience to the chiefs and leaders and blind following the fathers and the elite in acts, especially that of kufr and shirk with Allah عز وجل has no excuse because shirk is the greatest corruption.

So this one who voted, if he knew the reality of the elections, that by voting one supports the taghut to rule by laws other than the Shari'ah of Allah عز وجل, then he went and voted arguing that this is the lesser evil because of Ulwan and Tarifi and other scholars who issued a fatwa for this, then he is an apostate; he and those who issued the fatwa for them.

Because it is not allowed to commit kufr and shirk intentionally, except for the one who is under ikrah, because it is the greatest evil and the greatest sin by which Allah عز وجل is disobeyed, and it is the greatest of the major sins.

So all corruption and harm is endured to remove the corruption of shirk, kufr and support for it, because it is the absolute greatest corruption and harm in the Deen of Allah عز وجل.

This is, if he knows the reality of the elections. However, if he says that so-and-so scholar issued a fatwa about this, and the reality of the elections is to help make the majlis of shura/consultative council, and the people are service providers and they serve the country in this parliament, by providing service for the areas they come from wherein they are elected, and they build hospitals and mosques for them, and fix their roads and telecommunications and provide electricity and water

services etc., then this person doesn't know what these elections are in the first place.

So if this is his condition, then he is excused with jahl al-hāl/ ignorance of the situation. Then the reality of the elections and parliament must be made clear to him, and the reality of the candidates and what they implement of kufr and shirk in worshiping other than Allah عز وجل, and that they legislate with other than Him سبحانه وتعالى and the reality of the tawagheet who rule with laws other than the Shar'iah, then if after that he insists on his view and his action and doesn't repent, then he is a kafir.

So the one who argues that evil scholars issued a fatwa for him, as we said, his condition is looked into. If he knew the condition and reality of elections and what it involves of kufr, shirk, ruling with other than Shari'ah and support for it, and he argues based on the fatwa of an evil scholar, then there is no argument (i.e. no valid evidence), neither for him nor for his scholar and he is a kafir.

But if he didn't know the reality of the elections and so on, this one is excused with jahl al-hāl.

والله تعالى أعلم

[Translated transcript]

حفظه الله - Sayf - Shaykh Abu Bara'a as

Fatwa:

Question:

السلام عليكم ورحمة الله وبركاته

The original [ruling of the] voters is disbelief (kufr), until we know and look into their condition, whether they were ignorant of the condition (of the elections) or ignorant of the hukm (ruling), then if he is ignorant of the ruling (of elections) - he remains on his riddah (apostasy), and if he is ignorant of the condition (of the elections), this one we excuse. Isn't it so?

Answer:

وعليكم السلام ورحمة الله وبركاته

Yes, this is the ruling of the one we see who votes for a taghūt in the parliamentary and presidential elections, and he is baligh/mature, sane, and he did so willingly and intentionally, then this specific individual is a kafir. However, if after that it is made evident to us that he was ignorant of the reality of the elections, then he is excused until it is made clear to him.

This is due to the statement of Allah, {And Allah would never let a people astray after He has guided them until He makes clear to them what they should avoid. Indeed Allah is knowing of all things.} [Tawbah:115]

والله أعلى وأعلم

Shaykh Abu Bara'a as – Sayf حفظه الله

Fatwa:

Question:

Does the one who doesn't disbelieve in democracy fall into kufr or is it necessary to explain the definition [or reality] of democracy to him. Is democracy like the idols of jahiliyyah?

Answer:

If he thinks that democracy is a form of shūrā/consultative council, and that it is from Islam because he was confused by the evil and deviant scholars, then it is necessary to explain to him the reality of democracy, and that by this he gives the right of Allah of His legislating laws for man, which they rule by in the affairs of their lives - to the creation/man.

Due to the statement of Allah, {And Allah would never let a people astray after He has guided them until He makes clear to them what they should avoid. Indeed Allah is knowing of all things.}
[Tawbah:115]

If he insists on adopting it, supports it and approves of it, after knowing it's truth, then he is a kafir.

والله أعلى وأعلم

Follow up question:

So it means, O our shaykh, that whoever votes for the parties that are falsely called "Islamic", which promise to bring back the rule of Shari'ah if they win, that he is excused until it is made clear to him?! Isn't the ruling of the one who votes kufr [based on the apparent]? Also, the jama'ah of the shaheed - as we regard him - Ahmad 'Al-Khulaylah, began targeting voting centers in the year 2004 based on that, then the following year he didn't, because of the confusion caused by the evil scholars and misguidance of the masses.

Answer:

"I am not speaking about the voter here my dear brother.

Read the question and answer again thoroughly.

As for the voter, he is a kafir (based on) what is outwardly apparent, if it has been confirmed that he elected one of the tawagheet in the parliamentary or presidential elections, and he is baligh/mature and sane, and he did so willingly and intentionally.

This is his ruling [based on what is] outwardly apparent, as long as it hasn't been proven to us that

he was ignorant of the condition and reality of those elections.

And if it was proven to us [i.e.

later], that he was ignorant of the reality of the elections and what it leads to, and the reality of electing for those tawagheet, and he assumed they were only there for the service department (for the public), then this one doesn't fall into kufr because of jahl al-hāl/ignorance of the situation, until the situation and the reality of the elections are made clear him, and if he insists on it after that.. [then he is a kafir].

والله أعلم

حفظه الله Shaykh Abu Bara'a as-Sayf

Fatwa:

Question

السلام عليكم ورحمة الله وبركاته

Regarding the meat slaughtered by the one who participates in elections and takes the mushrikeen as allies?

Can we eat the meat which he slaughters, because everyone now participates in elections, except those upon which my Lord has mercy?

Answer:

No doubt, it must be confirmed against him (individually), by two just witnesses or by him admitting that he takes the tawagheet as allies, or that he participates in elections. Thereafter, if he did that, you deal with him as the kuffar are dealt (i.e. as disbelievers); that is, if he is baligh/mature, sane, and willingly did what he did, and there is nothing which prevents [the ruling of] takfeer upon him, then don't eat what he slaughtered.

والله أعلى وأعلم

حفظه الله Shaykh Abu Bara'a as-Sayf

Fatwa:

Question:

السلام عليكم ورحمة الله وبركاته

Is it permissible to pray behind an Imam who calls towards elections?

When I ask him why he calls to these elections, he says 'I'm compelled because I'm an employee in the waqf/endowment, and I'm commanded to convey that which they order me'.

Answer:

وعليكم السلام ورحمة الله وبركاته

This Imam who calls towards shirkiiyya parliamentary or presidential elections in countries which are ruled by their laws and the taghut, is an infidel and it is not permissible to pray behind him.

And what he mentioned is not ikrah mulji/forced compulsion, which would permit him to commit kufr..

He should leave his work with them and work in another field, thus protect his Deen from Shirk and kufr and calling towards it..

Since he is calling for shirk with this baseless argument which has none of the conditions of ikrah mulji present, which would have permitted him an act or statement of kufr while his heart is at rest with Iman, thus, he is a kafir.

والله أعلى وأعلم

حفظه الله Shaykh Abu Bara'a as-Sayf

Fatwa:

Question:

السلام عليكم ورحمة الله وبركاته

I was sitting in the mosque and the khateeb/preacher was speaking about elections, and was calling towards them, and I wasn't able to object/disapprove of it, nor was I able to leave the masjid for fear of spies, and it never occurred to me that I am obliged to leave.

Am I one of those to whom the verse applies, {that when you hear Allah's revelations being denied or ridiculed..}

Answer:

وعليكم السلام ورحمة الله وبركاته

If you disapproved of it and hated it, and your failure to get up to object was due to fear and weakness, then there is nothing upon you (of sin).

Because you did disapprove, but you failed to display/manifest it because of fear due to weakness.

The evidence for this is the hadith in Shaihyān, on the authority of Abdullah bin Mas'ud, (may Allah be pleased with him), that the prophet (ﷺ) said, "*..and if he is unable to do so, then with his heart; and that is the weakest form of Faith*".

And what has been reported in the Sahihayn, (Bukhari and Muslim), on the authority of Abdullah bin Mas'ud may Allah be pleased with him, that the prophet ﷺ said: "*..and he who strove against them with his heart is a believer.*" [End]

And what is reported in Sahih Muslim on the authority of Umm Salamah (may Allah be pleased with her), that the Prophet ﷺ said, ("*You will have rulers some of whom you approve and some of whom you will disapprove. He who dislikes them will be safe, and he who expresses disapproval will be safe, but he who is pleased and follows them (will be indeed sinful)*"). Hadith

Here, the Prophet ﷺ made an exception of the one who disliked it with his heart and disapproved of it, but made it a burden and a sin upon the one who is pleased and followed the evil and false (matter).

والله أعلى وأعلم

حفظه الله Shaykh Abu Bara'a as-Sayf

Fatwa:

Question:

There's an old man, at least 70 years old, illiterate, a simple peasant and he loves the masjid very much.

He performs the five daily prayers with the jamā'ah, rather, when I was little, he was the one who would go to the masjid early, to open it.

In 2012 he voted in the presidential elections, and he died two years ago.

Does he have an excuse of jahl al-hāl/ignorance of reality O shaykh, while this was his state?

He was not learned and he did not know of the Deen except very little. Rather, he didn't read nor write but he performed the prayer, and he didn't have knowledge of the rest of the good deeds.

As for the name of the kafir candidate who he voted for - because of his excessive ignorance - he only knew for example, the symbol, the eagle symbol.

Is there an excuse of ignorance for him yaa shaykh?

Answer:

If he was ignorant of the reality of elections and what it involves, and the reality of the tawagheet, then he is excused because of jahl al-hāl/ignorance of the [reality of the] situation..

And if he knew their condition and the reality of the situation of the elections, then there is no excuse for him of not knowing his Deen, and he committed kufr by this.

والله أعلم

Shaykh Abu Bara'a as-Sayf حفظه الله

Fatwa:

Question:

My brother, speaking in practical terms, in reality and not in theory, is takfeer made upon the voter without knowing that he is ignorant of the reality or the ruling of it, or do we make takfeer from the beginning?

Answer:

Anyone who has voted for a taghut in the presidential or parliamentary elections, and he is a sane adult and has deliberately committed this action, then this individual is a kafir, because this is what is apparently evident from him, and we are commanded to judge based on what is outwardly apparent.

As for his ignorance regarding elections and their reality, this is a hidden matter of the hearts and we are not charged with the knowledge of this initially.

However, if later on, it appears to us from him outwardly, from his statement and from the signs of his condition, and he thought it to be other than what it is in reality, like he thought he is only electing service providers (by these elections), and not legislators or tawagheet and it has been proven so, then he is excused because of jahl al-hāl/ignorance of the situation and reality of elections until it is made clear to him. But if he insists on the permissibility of it (i.e. voting), or (claims) that he didn't commit something which contradicts the Shari'ah after having knowledge about the condition (of voting), then he is a kafir.

والله أعلى وأعلم

حفظه الله Shaykh Abu Bara'a as – Sayf

Fatwa:

Question:

May I ask why do we not consider the presence of jahl al-hāl/ignorance of the situation, in the right of voters since ignorance has become widespread and there are many people who don't know the reality of elections?

Answer:

We pass the ruling based on what is apparent. So whoever votes and is bāligh/mature and āqil/sound of mind who deliberately chooses to do so is a kafir..

However, regarding the individual of whom it has been proven to us that he was ignorant of the true reality (i.e., of it being participation in electing legislators), we rule him to be a Muslim who is excused due to being mistaken and not deliberately intending it.

But..

We do not make the asl/default (ruling) of the people that they are ignorant of the reality..

Because the specific individual who votes has committed a naqid/nullifier, and this is what is apparent from him and this is yaqeen/known with certainty..

And if he is ignorant of the true reality of elections or not ignorant?! This is (a matter) of doubt and uncertainty because it is an inner matter of the heart.

And we pass the ruling based on the last matter/condition we are certain about and we don't rule based on doubt and uncertainty.

And the last action (we know) with certainty is that he committed an action of clear explicit kufr and he is bāligh and āqil, who chose to commit this action deliberately based on what is apparent (from him), so he is a kafir until it is proven to us with certainty that he has (the excuse of) valid preventatives which prevent the ruling of takfeer upon him like not deliberately intending to do so and being mistaken because of being ignorant of the true reality of the elections.

والله أعلى وأعلم

Shaykh Abu Bara'a as-Sayf (حفظه الله)